MT LEGISLATIVE HISTORY

Chapter 123 1974

Bill (H) 1021 S_____ Original bill & hist. ___C

H. Committee on Labor & Employment Relations S. Committee on Judiciary

Hearing Date(s) Feb 13	✓C	Hearing Date(s) Feb 26	✓C
_____	___C	_____	___C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out _____	___C	_____	___C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report_____

Note: No minutes for the House Committee other than those for February 13 could be located.

February 13, 1974

LABOR AND EMPLOYMENT RELATIONS COMMITTEE PROCEEDINGS:

A meeting of the Labor and Employment Relations Committee was held on Wednesday, February 13, 1974, at 10:30 a.m. in Room 428A with Chairman Pat McKittrick presiding. All members were present, except, Rep. Ellerd, who was excused.

HOUSE BILL #1021 -- SPONSOR: Rep. J. D. Lynch. He said this bill will aid Workmen's Compensation in regard to written notices and language clean-up. Mr. Larry Zanto, administrator, WC, and Mr. Jim Murry, AFL-CIO, spoke in support of the bill as a general housekeeping bill. Chairman McKittrick questioned the striking of the words "written approval" on page 2, which gave "teeth" to the division. Mr. Zanto replied that it had been a tremendous administrative burden on the division, and didn't feel there was any real "teeth" to that.

HOUSE BILL #782 -- SPONSOR: Rep. J. D. Lynch. He said this is not new legislation, and he handed out a list of states who have enacted similar legislation. (list attached) Rep. Lynch said that when professional strikebreakers are brought in, we are not acting in good faith.

Mr. Jim Murry, AFL-CIO, said the labor movement in Montana doesn't want strikes; they want to resolve the differences through collective bargaining. The purpose of this is to have both sides sit down at a bargaining table and work out those differences.

Mr. James O'Neill, International Typographical Union, Cascade, testified that strikebreakers promote industrial strife and are a constant threat to law-abiding citizens. His statement is attached.

Mr. Harry Woods, Butte Typographical Union,--statement attached--said that HB #782 will enable the working man to get a fair, even break and would premit fair and just collective bargaining between labor and management without threat by out-of-state owned corporations to import professional strikebreakers.

Other testimonies, which are attached, were Mr. Howard Hailstone, Billings Pressmen's Local, and Mr. Michael Kennedy, president, Billings Typographical Local.

Ms. Laurie Mitchell, legislative intern for Rep. Burnett, spoke in behalf of Rep. Burnett and in support of the bill if it was amended. Those amendments and her statement are attached. These amendments would make labor and management more responsible in settling their differences without outside interference. Rep. Burnett felt that the functions of governmental bodies should not be subject to strikes. Entities of government are for the orderly progression of government, and single entities or special interest groups should avail themselves of the due process of law or effect a change in the law to achieve their objectives.

Mr. Warren Midgett, Missoula Typographical Local, also spoke in support.

OPPOSITION: Mr. Tom Winsor, Montana Chamber of Commerce, said we are talking about two different things. The bill is worded very loosely and applies more than to the Pinkerton type of strikebreakers talked about. He said Section 1 of the bill blocks any form of recruitment

MINUTES OF THE MEETING
JUDICIARY COMMITTEE
MONTANA STATE SENATE

February 26, 1974

The meeting was called to order by Senator McKeon, chairman, at 11:00 a.m. in Room 442 of the Capitol Building.

The following bills were heard: HB 818
HB 1073
HB 1021

HB 818--Representative Larry Fasbender, sponsor, said this bill would require election provisions, relating to drainage districts, to determine who is eligible to vote and to determine what should be set forth on the ballot. He said this would effect the lower Sun River Valley area.

SENATOR GILFEATHER WAS ASSIGNED TO RESEARCH FURTHER ON THE BILL, AND TO CONTACT THOSE JUDGES THAT WOULD BE EFFECTED BY THE BILL.

HB 1021--Ernie Post, staff lobbyist for AFL-CIO, spoke in general support of the bill. Senator Turnage felt the bill had no problems.

SENATOR TURNAGE MOVED THIS BILL BE CONCURRED IN, SECONDED BY SENATOR DRAKE. MOTION CARRIED UNANIMOUSLY.

HB 1073--Witnesses appearing on the bill:

Representative Mike Greely, Great Falls,
Paul Caruso, MT Independent Bankers Ass'n
Jim Haviland, Savings & Loan League
Gene Phillips, Conrad Nat'l Bank of Kalispell
Ross Canon, MT Savings & Loan League, MT Bankers Ass'n

Rep. Greely, sponsor, said this bill would amend theSmall Tract Finance Act.

Mr Cannon, representing the above two ass'n and MT Independent Bankers Ass'n, said this bill would enable the lender to get back into the position of claiming his property. It permits the lender to forclose his property through public notice, and place it up for sale within 100 days. The debtor can cure his default by paying on this loan. This bill also extends acreage for which the measure can be used, amended by the House Judiciary from 40 acres to 20 acres.

Mr. Caruso felt that to limit the acreage decreases their ability to handle the majority of the loans on the market. They have found most mortgages are much higher.

Mr. Haviland said that on smaller tracts of land (1 to 40 acres), it would be more effective if they could utilize trust indentures rather than mortgages. He said these have nothing to do with farm lands.

ROLL CALL

SENATE JUDICIARY COMMITTEE

SECOND HALF - 43rd LEGISLATIVE SESSION 1974 Dat 2-26

NAME	PRESENT	ABSENT	EXCUSED
Luke McKeon	✓		
Pat Gilfeather	✓		
Paul Boylan	✓		
Mrs. Boots Hall			✓
Miles Romney			✓
Glenn Drake	✓		
Tom Harrison			✓
Jim Moore	✓		
Jean Turnage	✓		

DATE _____

COMMITTEE ON _____ BILL NO. _____

VISITOR'S REGISTER

NAME	REPRESENTING	BILL NO	Check One Support / Oppose
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	1621	X
[illegible]	[illegible]	[illegible]	X
[illegible]	[illegible]	[illegible]	X
[illegible]	[illegible]	[illegible]	✓
[illegible]	[illegible]	[illegible]	X
[illegible]	[illegible]	[illegible]	X
[illegible]	[illegible]	518	X

or corporation *including* municipal corporations; provided, that nothing herein contained will permit the interment of bodies of deceased persons in any such cemetery so condemned and taken over as are, under the articles of incorporation or bylaws of such cemetery association or corporation, debarred from burial therein."

Approved March 11, 1974

CHAPTER NO. 173

AN ACT AMENDING SECTION 92-615, R.C.M. 1947, RELATING TO NOTICE OF DENIAL OF CLAIM BY INSURER, AND AMENDING SECTION 92-616, R.C.M. 1947, RELATING TO COSTS AND ATTORNEY FEES ON CLAIMS FOUND COMPENSABLE, BY DELETING AND ADDING CERTAIN REQUIREMENTS IN THE TWO SECTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 92-615, R.C.M. 1947, is amended to read as follows:

"92-615. **Notice of denial of claim by insurer.** Every insurer under any plan for the payment of workmen's compensation benefits shall within thirty (30) days of receipt of a claim *for compensation* either accept or deny the claim, and if denied shall inform the claimant *and the division* in writing of such denial. If the insurer determines to deny a claim *on which payments have been made during a time of further investigation,* or after a claim has been accepted, terminates biweekly compensation benefits, it may do so only after fifteen (15) days written notice to the claimant and the division. *However, an insurer may, after written notice to the claimant and the division, make payment of compensation benefits within thirty (30) days of receipt of a claim for compensation without such payments being construed as an admission of liability or a waiver of any right of defense."*

Section 2. Section 92-616, R.C.M. 1947, is amended to read as follows:

"92-616. **Costs and attorneys' fees payable on denial of claim later found compensable.** In the event the insurer denies the claim *for compensation* or terminates *compensation benefits,* and the claim is later *adjudged* compensable, *by the division or on appeal,* the insurer shall pay *reasonable* costs *and* attorneys' fees as established by the division. *However, under rules adopted by the division and in the discretion of the division, an insurer may suspend compensation payments for not more than thirty (30) days pending the receipt of medical information."*

Section 3. This act is effective on its passage and approval.

Approved March 11, 1974

CHAPTER NO. 174

AN ACT AMENDING SECTION 54-133, R.C.M. 1947, TO CLARIFY THE PENALTIES FOR POSSESSION OF DANGEROUS DRUGS, AND PROVIDE AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 54-133, R.C.M. 1947, is amended to read as follows:

"54-133. **Criminal possession of dangerous drugs.** (a) A person commits the offense of criminal possession of dangerous drugs if he possesses any dangerous drug as defined in this act.

(b) Any person convicted of a criminal possession of marihuana or its derivatives in an amount, the aggregate weight of which does not exceed sixty (60) grams of marihuana, or one (1) gram of hashish, shall, for the first offense, be guilty of a misdemeanor and is punishable by a fine not to exceed one thousand dollars ($1,000) or by imprisonment in the county jail not to exceed one (1) year, or by both such fine and imprisonment. A person convicted of a second, or subsequent, offense under this subsection is punishable by a fine not to exceed one thousand dollars ($1,000) or by imprisonment in the county jail not to exceed one (1) year or in the state prison not to exceed three (3) years or by both such fine and imprisonment.

(c) *A person convicted of criminal possession of dangerous drugs not otherwise provided for in subsection (b) shall be imprisoned by imprisonment in the state prison not to exceed five (5) years.*

(d) A person of the age of twenty-one (21) years or under, convicted of a first violation under this section shall be presumed to be entitled to a deferred imposition of sentence. Jurisdiction under this section shall be exclusively in the district court."

Section 2. This act shall be effective on its passage and approval.

Approved March 11, 1974

CHAPTER NO. 175

AN ACT AMENDING SECTION 66-802, R.C.M. 1947, AND CLARIFYING DEFINITION OF COSMETOLOGY.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 66-802, R.C.M. 1947, is amended to read as follows:

"66-802. **Definitions.** The practice and teaching of cosmetology is defined to be and includes any or all work generally and usually included in the term "hairdressing" and "beauty culture" and performed in so-called hairdressing and beauty shops, or by itinerant cosmetologists, which work is done for the embellishment, cleanliness and beautification of the hair, scalp, face, arms or hands. *The practice and teaching of cos-*